

Regular Session, 2010

HOUSE BILL NO. 534

BY REPRESENTATIVE CARTER

DISTRICTS/CRIME PREVENT: Creates the Westminster Pine Park Crime Prevention and Neighborhood Improvement District

1 AN ACT

2 To enact R.S. 33:9097.8, relative to East Baton Rouge Parish; to create a crime prevention
3 and improvement district for the Westminster and Pine Park Subdivisions; to provide
4 the purpose and boundaries of the district; to provide for the governance of the
5 district; to provide for the duties and powers of the district; to provide for the levy
6 of a parcel fee within the district; to provide for indemnity and exculpation of board
7 members; and to provide for related matters.

8 Notice of intention to introduce this Act has been published
9 as provided by Article III, Section 13 of the Constitution of
10 Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:9097.8 is hereby enacted to read as follows:

13 §9097.8. Westminster Pine Park Crime Prevention and Neighborhood Improvement
14 District

15 A. Creation. There is hereby created within the parish of East Baton Rouge,
16 as more specifically provided in Subsection B of this Section, a body politic and
17 corporate which shall be known as the Westminster Pine Park Crime Prevention and
18 Neighborhood Improvement District, referred to in this Section as the "district".
19 The district shall be a political subdivision of the state as defined in the Constitution
20 of Louisiana.

1 B. Boundaries. The district shall be comprised of the area of the parish of
2 East Baton Rouge, lying within the following perimeter: starting on the northwest
3 corner of the edge of Lot 1 of Westminster Subdivision and proceeding in an easterly
4 direction along the southern side of Jefferson Highway to the northeast corner of Lot
5 9 of Pine Park Subdivision then proceeding south along the eastside of Pine Park
6 Drive to the southeast corner turning west at Lot 41 of Pine Park Subdivision
7 continuing on the southern side of Norfolk Drive and proceeding west to Lot 423 of
8 Westminster Subdivision then proceeding north on the west side of Drusilla Lane
9 thus continuing to the northwest corner of the Westminster Subdivision to Lot 1 thus
10 defining a district enclosing and consisting of 610 lots within the Westminster and
11 Pine Park Subdivisions which shall be considered part of the Westminster Pine Park
12 Crime Prevention and Neighborhood Improvement District.

13 C. Purposes. The purposes of the district shall be to aid in crime prevention
14 by increased law enforcement and security patrols within the district and to provide
15 for the maintenance and improvement of areas within the district.

16 D. Governance. (1) The district shall be governed by a board of
17 commissioners consisting of members appointed as follows:

18 (a) Two members appointed by the Westminster Pine Park Civic
19 Association.

20 (b) One member appointed by the Metro Council member representing the
21 area which comprises the district.

22 (c) One member appointed by the mayor-president of Baton Rouge.

23 (d) One member appointed by the member or members of the Louisiana
24 House of Representatives who represent the area which comprises the district.

25 (2) All members of the board shall reside within the district and be registered
26 voters in the district.

27 (3) The terms of the members shall be as follows:

28 (a) The members appointed pursuant to Subparagraph (1)(a) of this
29 Subsection shall serve for two years.

1 **(b) The members appointed pursuant to Subparagraphs (1)(b), (c), and (d)**
2 **of this Subsection shall serve for three years.**

3 **(4) The members of the board shall select from among themselves a**
4 **president and such other officers as they deem appropriate. The terms and**
5 **responsibilities of officers shall be as provided by the bylaws of the board.**

6 **(5) The members of the board shall serve without compensation or**
7 **reimbursement of expenses.**

8 **E. Powers and duties. The district, acting through its board of**
9 **commissioners, shall have the following powers and duties:**

10 **(1) To sue and be sued.**
11 **(2) To adopt, use, and alter at will a corporate seal.**
12 **(3) To receive and expend funds collected pursuant to Subsection F of this**
13 **Section and in accordance with a budget adopted as provided in Subsection G of this**
14 **Section.**

15 **(4) To enter into contracts with public or private individuals or entities for**
16 **the provision of security patrols or other programs in the district.**

17 **(5) To purchase items and supplies which the board deems instrumental to**
18 **achieving any purpose of the district.**

19 **(6) To perform or have performed any other function or activity the board**
20 **deems necessary for achieving any purpose of the district.**

21 **F. Parcel fee. The governing authority of East Baton Rouge Parish is hereby**
22 **authorized to impose and collect a parcel fee within the district subject to and in**
23 **accordance with the provisions of this Subsection:**

24 **(1)(a) The fee shall be imposed on each improved parcel located within the**
25 **district.**

26 **(b) For the purposes of this Section, a parcel shall be defined as a lot, a**
27 **subdivided portion of ground, or an individual tract on which a residential or**
28 **commercial structure is situated.**

1 (2) The amount of the fee shall be as requested by duly adopted resolution
2 of the governing authority of the district; however, the fee shall not exceed one
3 hundred dollars per parcel per year.

4 (3) The owner of the parcel shall be responsible for payment of the fee.

5 (4)(a) The fee shall be imposed only after the question of its imposition has
6 been approved by a majority of the registered voters of the district voting on the
7 proposition at an election held in accordance with the Louisiana Election Code.

8 (b) The fee shall expire ten years from its initial levy but may be renewed as
9 provided in Subparagraph (a) of this Paragraph. If renewed, the term of the
10 imposition of the fee shall be as provided in the proposition authorizing such
11 renewal, not to exceed ten years.

12 (5) The fee shall be collected at the same time and in the same manner as ad
13 valorem taxes are collected by the sheriff, as ex officio tax collector, of East Baton
14 Rouge Parish. The sheriff shall collect and remit to the district all amounts collected
15 not more than sixty days after collection. He shall retain the same commission as he
16 receives for the collection of ad valorem taxes.

17 (6) Any parcel fee which is unpaid shall be added to the tax rolls of East
18 Baton Rouge Parish, and shall be enforced with the same authority and subject to the
19 same penalties and procedures as unpaid ad valorem taxes.

20 G. Budget. (1) The board of commissioners shall adopt an annual budget
21 in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et
22 seq. The budget and all amendments shall be submitted to the East Baton Rouge
23 Metropolitan Council.

24 (2) The district shall be subject to audit by the legislative auditor pursuant
25 to R.S. 24:513.

26 H. Miscellaneous provisions. (1) It is the purpose and intent of this Section
27 that the additional law enforcement and security personnel and their services
28 provided for through the fees authorized herein shall be supplemental to and not in

1 lieu of personnel and services provided in the district by the East Baton Rouge Parish
2 Sheriff's Office or the Baton Rouge City Police.

3 (2) If the district ceases to exist, any funds of the district shall be transmitted
4 to the governing authority of East Baton Rouge Parish and shall be used for law
5 enforcement purposes in the area which comprised the district.

6 I. Indemnification and Exculpation. (1) The district shall indemnify its
7 officers and board members to the fullest extent permitted by R.S. 12:227, as fully
8 as if the district were a nonprofit corporation governed thereby, and as may be
9 provided in the district's bylaws.

10 (2) No board member or officer of the district shall be liable to the district
11 or to any individual who resides, owns property, visits, or otherwise conducts
12 business in the district for monetary damages for breach of his duties as a board
13 member or officer, provided that the foregoing provision shall not eliminate or limit
14 the liability of a board member or officer for any of the following:

15 (a) Acts or omissions not in good faith or which involve intentional
16 misconduct or a knowing violation of law.

17 (b) Any transaction from which he derived an improper personal benefit.

18 (3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S.
19 9:2792.1 through 2792.9, a person serving the district as a board member or officer
20 shall not be individually liable for any act or omission arising out of the performance
21 of his duties.

22 Section 2. This Act shall become effective upon signature by the governor or, if not
23 signed by the governor, upon expiration of the time for bills to become law without signature
24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
25 vetoed by the governor and subsequently approved by the legislature, this Act shall become
26 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Carter

HB No. 534

Abstract: Creates the Westminster Pine Park Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish.

Proposed law creates the Westminster Pine Park Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish to aid in crime prevention and improvement of areas within the district. Further provides for the boundaries of the district.

Proposed law provides for governance of the district by a five member board of commissioners, each of whom must reside within the district and be a registered voter in the district. Members of the board shall serve without compensation and shall serve terms of two or three years, as determined by proposed law.

Proposed law provides for the powers and duties of the district as follows:

- (1) To sue and be sued.
- (2) To adopt and use a corporate seal.
- (3) To receive and spend funds collected pursuant to proposed law in accordance with a budget adopted in accordance with proposed law.
- (4) To enter into contracts for security patrols or other programs in the district.
- (5) To perform other functions or activities necessary for achieving any purpose of the district.
- (6) To purchase items necessary to achieve any purpose of the district.

Proposed law provides for the levy, subject to voter approval, of a parcel fee on improved parcels within the district. The fee shall be as provided by duly adopted resolution of the board and shall not exceed \$100 per parcel per year.

Proposed law further provides that the fee shall expire 10 years after its initial imposition, but may be renewed subject to voter approval.

Proposed law provides that the fee shall be collected at the same time and in the same manner as ad valorem taxes are collected by the parish. Further provides that any parcel fee which is unpaid shall be enforced with the same authority and subject to the same penalties as unpaid ad valorem taxes.

Proposed law provides for the adoption of an annual budget for the district and provides that the district shall be subject to audit by the legislative auditor.

Proposed law provides that if the district ceases to exist, all funds of the district shall be transmitted to the governing authority of East Baton Rouge Parish and shall be used for law enforcement purposes in the area formerly comprising the district.

Proposed law provides for indemnification of board members by the district and limits board member liability for acts or omissions arising out of the performance of a member's duties.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:9097.8)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Added on governor's signature effective date.
2. Added provision that the district is a political subdivision of the state.